

35 U.S.C. 112

The Examiner alleges that the recitation "said leg frame" in line 4 of claim 1 does not have an antecedent basis. Issue is taken in this respect. Specifically, line 3 of claim 1 requires "a pair of leg frames". Further, line 3 recites that "each leg frame" is releasably connected to the body frame "at an opposite side from the other of said leg frames". It is submitted that claim 1 is in strict conformance with the provisions of 35 U.S.C. 112.

The following addresses the rejection of the claims on the specific references.

Harrah

Claim 1 has been rejected as being anticipated by Harrah. Issue is taken in this respect.

The Examiner considers the two parallel rods 12, 13 and four upstanding arms 20, 21 of Harrah to constitute a "body frame" as recited in claim 1. Issue is taken in this respect. By themselves, the two rods 12, 13 and arms 20, 21 do not form a frame. Instead, these six individual components must be connected to other components of the wheeled tray in order to have any viability.

The Examiner further considers the tray 19 of Harrah to be "connected to and across said leg frame" while also being "in vertically spaced relation to said body frame". Issue is taken in this respect. As can be seen in Figs. 1 and 2 of Harrah, the tray 19 is only connected to the two leg frames via the vertically depending arms 20, 21 and cross rods 12, 13. Still further, the tray 19 is not in vertically spaced relation to the alleged "body frame" which the Examiner considers to be composed of the rods 12, 13 and arms 20, 21.

For the above reasons, a rejection of claim 1 as being anticipated by Harrah is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 2 depends from claim 1 and further requires the body frame to be of "rectangular box-shaped skeletal structure". Clearly, the rods 12, 13 and arms 20, 21 by themselves do not define a skeletal structure or a box-shaped skeletal structure or a rectangular box-like shape skeletal structure. Accordingly, a rejection of claim 2 as

being anticipated by Harrah is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 18 requires a box frame of box-shaped skeletal structure. As noted above with respect to claim 2, the rods 12, 13 and arms 20, 21 of Harrah do not constitute such a body frame.

Claim 18 further requires "connecting means integrated in said body frame and each leg frame for releasably connecting each leg frame to said body frame". Harrah does not describe or teach such a structure. Specifically, the leg frames in Harrah are mounted on the rods 12, 13 and held in place by nuts threaded onto the ends of the rods 12, 13 (see Fig. 1). These nuts are not "integrated in the body frame or in the leg frame. That is to say, the nuts are separate from the rods 12, 13 and the leg frames. The nuts are not "integrated" in either the body frame or the leg frame.

Further, claim 18 requires the tray 19 to be "in vertically spaced relation" to a body frame. Such is not the case with the tray and arms 20, 21 of Harrah.

In view of the above, a rejection of claim 18 as being anticipated by Harrah is not warranted pursuant to the provisions of 35 U.S.C. 102.

Berthier

Claim 1 has been rejected as being anticipated by Berthier. Issue is taken in this respect.

Berthier describes a front rectangular frame 1 and a rear U-shaped frame 2. The rear frame 2 is articulated on the front frame 1 by two flat metal parts 9, each penetrating partly into a hole 10 formed in each longitudinal upright of the front frame and fixed in this position by a screw 11. The remaining portion of the part 9 extends into a slot 12 formed in the upper part of the upright of the rear frame and in which it is traversed by a pivot 13 (column 2, lines 41 to 47). As shown in Figs. 1 and 2, the upper ends of the uprights 14 of the front frame 1 extend above and beyond the top of the rear frame 2 and support a cross member forming a handle.

It is understood that the Examiner considers the front frame 1 and rear frame 2 of Berthier to constitute a "leg frame".

Claim 1 requires "a table top releasably connected to and across said leg frames ...". The top tray 3 of Berthier is not connected across the leg frames 1, 2. That is to say, the top tray 3 does not cross the leg frames as required by applicant's claim 1 and as illustrated in the drawings. Instead, the top tray 3 of Berthier is connected to and between the alleged leg frames 1, 2.

Claim 2 depends from claim 1 and requires the body frame to be of "box-shaped skeletal structure". Clearly, the bottom tray 4 shown in Fig. 2 in Berthier is a simple rectangular frame and is not "box-shaped", i.e. cubic. Accordingly, a rejection of claim 2 as being anticipated by Berthier is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 18 requires a body frame of "box-shaped" skeletal structure. As noted above with respect to claim 2, the bottom tray 4 of Berthier is not "box-shaped".

Further, claim 18 requires connecting means integrated in said body frame and each leg frame for releasably connecting each leg frame to said body frame". Berthier is void of any such structure or teaching. Instead, Berthier uses separate screws for connecting the alleged leg frames 1, 2 to the bottom tray 4.

Still further, claim 18 requires a table top to be releasably connected to and across the leg frame. As noted above with respect to claim 1, Berthier is void of such a structure.

Holtz

Claims 1 to 3 and 18 have been rejected as being anticipated by Holtz. Issue is taken in this respect.

It is understood that the Examiner considers Holtz to have a pair of leg frames 10, 12. However, as can be seen in Fig. 1, the leg frame 10 is U-shaped and extends from one side of the table frames 18, 20 to the other side. Likewise, the second leg frame 12 is U-shaped and extends to opposite sides of table frames 18, 20. Accordingly, each leg frame 10 of Holtz is connected to both sides of the alleged body frame 20. That is to say, each leg frame of Holtz is not connected on an opposite side of the "body frame" from the other leg frame. Accordingly, a rejection of claim 1 as being anticipated by Holtz is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 1 further requires a table top to be connected to and across the leg frame. As shown in Fig. 1 of Holtz, the upper table frame 18 is not connected across the leg frame 10, 11. Accordingly, a rejection of claim 1 as being anticipated by Holtz is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 18 contains recitations similar to claim 1 and is believed to be allowable for similar reasons.

McClellan

Claims 1, 2, 13 and 18 have been rejected as being anticipated by McClellan. Issue is taken in this respect.

It is understood that the Examiner considers the pair of channel members 24 shown in Fig. 1 to constitute "a skeletal body frame". Issue is taken in this respect. Of themselves, the two channel members 24 do not constitute a frame since they are not connected to each other.

Further, the Examiner considers the table top 20 to be in vertically spaced relation to the channel members 24. Issue is taken in this respect. As can be seen in Figs. 1 and 2, the table top 20 is secured directly to the channel members 24. There is no spacing between the table 20 and the channel members 24. Accordingly, a rejection of claim 1 as being anticipated by McClellan is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 2 further requires the body frame to be of rectangular box-shaped skeletal structure. The pair of parallel channel members 24 do not constitute such a structure. Accordingly, a rejection of claim 2 as being anticipated by McClellan is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 13 requires each leg frame to have a pair of horizontal outwardly disposed arms and that the table top rest on the arms. McClellan is void of such a structure. Specifically, the table top 20 of McClellan rests directly on the channel members 24 and not on any part of the leg assemblies 42, 43. Accordingly, a rejection of claim 13 as being anticipated by McClellan is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 18 contains recitations similar to claim 1 and claim 2.

Berthier in view of Carille

Claim 4 has been rejected as being unpatentable over Berthier in view of Carille.

Claim 4 depends from claims 1, 2 and 3 and further requires "a pair of guides on two opposite sides of said body frame to define a recess to receive a cooler".

Carille describes a collapsible cart assembly which has a shelf 40 to support a cooler chest 54. In particular, the chest 54 carries legs 58 to engage in apertures 60 in the shelf 40.

The Examiner alleges that it would be obvious to modify the plate in the bottom tray 6 of Berthier to receive a cooler as in Carille. However, such a modification of Berthier would not result in the claimed structure. Specifically, while the wall plate of Berthier may be provided with apertures, the frame of the bottom tray 6 would not be modified in any fashion.

Clearly, there is no teaching in Carille of modifying the bottom tray of Berthier to have "guides on two opposite sides ... to define a recess with one other side of the body frame ...". Accordingly, a rejection of claim 4 as being unpatentable over Berthier in view of Carille is not warranted pursuant to the provisions of 35 U.S.C. 103.

Holtz (35 U.S.C. 103)

Claims 5, 6, 10 and 19 have been rejected as being unpatentable over Holtz.

Claim 5 requires the body frame to include "a pair of vertically disposed spacers at each corner". The Examiner acknowledges that Holtz is void of such a structure. However, the Examiner takes Official Notice of the equivalents of the claimed plate with slots and the disclosed clips of Holtz for the use in the connection art.

The Examiner is invited to point out how vertically disposed spacers at the corners of the table frame 20 of Holtz could be used to engage a vertical plate in the angularly disposed leg of the leg frame 10, 12 of Holtz. It is submitted that one of ordinary skill in the art would not be able to place spacers at the corners of the Holtz tray 20 nor vertical plates on the angularly disposed leg of the leg frame 10, 12 for engagement with the spacers on the tray 20. Accordingly, a rejection of claim 5 as being unpatentable over Holtz is not warranted pursuant to the provisions of 35 U.S.C. 103.

Claim 10 contains recitations similar to claim 5 and is believed to be allowable for similar reasons.

Claim 19 depends from claim 18 and recites structures similar to that recited in claims 5 and 6. For reasons as expressed above with respect to claim 5, a rejection of claim 19 as being unpatentable over Holtz is not warranted pursuant to the provisions of 35 U.S.C. 103.

Holtz in view of Carille

Claims 4 and 20 have been rejected as being unpatentable over Holtz in view of Carille.

While it may be possible to provide the bottom tray 20 of Holtz with apertures to receive depending legs of a cooler chest as in Carille, such would not result in the claimed structure.

Accordingly, for reasons as expressed above with respect to the rejection of claim 4 as being unpatentable over Berthier in view of Carille, the proposed modification of Holtz would not result in the claimed structure. Accordingly, a rejection of claims 4 and 20 as being unpatentable over Holtz in view of Carille is not warranted pursuant to the provisions of 35 U.S.C. 103.

Holtz in view of Burnette

The Examiner alleges that Burnette has leg frames 4, 5, 6, 7 having outwardly disposed arms 15, 16. Issue is taken in this respect. As can be seen in Figs. 1 and 2, the hinges 15, 16 of Burnette are inwardly directed.

The Examiner's attention is directed to Fig. 5 of applicant's drawings in which the arms 38, 38' are outwardly directed.

With respect to claim 11, making the hinges 15, 16 of Burnette of different lengths is not relevant to the claimed structure. Applicant's structure allows the table top which is supported on the leg assemblies to project farther on one side than on another. This provides a shelf to one side of the bar cart which permits a person to stand close to the table top without stepping on the bar cart and also permits a bar stool to be placed adjacent to the table top for seating purposes. See the description in page 7, lines 7 to 15. Clearly, there is no such teaching in Burnette or Holtz. Accordingly, a

rejection of claim 11 as being unpatentable over Holtz in view of Burnette is not warranted pursuant to the provisions of 35 U.S.C. 103.

McClellan (35 U.S.C. 103)

The Examiner alleges that it would be obvious to place a pair of vertically disposed spacers at each corner of the channel members 24 of McClellan as well as a vertical plate with slots in each leg of each leg frame. Issue is taken in this respect.

The Examiner is invited to show how one of ordinary skill in the art would place a pair of vertically disposed spacers at each corner of each channel member 24 to cooperate with a vertical plate of each leg of the leg frames. It is respectfully submitted that one of ordinary skill in the art would not be able to do so.

In view of the above, a rejection of claims 5, 17 and 19 as being unpatentable over McClellan is not warranted pursuant to the provisions of 35 U.S.C. 103.

With respect to claim 11, there is no teaching in McClellan of outwardly disposed arms on which the table top 20 may rest nor of arms being of different length. Accordingly, a rejection of claim 11 as being unpatentable over McClellan is not warranted pursuant to the provisions of 35 U.S.C. 103.

Claim 15 is directed to the specific structure of the body frame of claim 1. In particular, claim 15 recites that the body frame includes " a first pair of parallel vertically disposed pair of rectangular frames ... and a second pair of parallel vertically disposed rectangular frames ...". The channel members 24 of McClellan do not have such frames.

Note is made that the Examiner alleges that it would be obvious to duplicate the pair of channel members 24 in McClellan. This is not understood and clarification is requested as to how or why a second pair of channel members 24 would be of use in McClellan.

In view of the above, a rejection of claims 15, 16, and 24 as being unpatentable over McClellan is not warranted pursuant to the provisions of 35 U.S.C. 103.

McClellan in view of Fuller

The Examiner alleges that Fuller discloses a hand truck having a fabric strip 40 disposed about a holder 28. Issue is taken in this respect.

As can be seen in Fig. 8 of Fuller, a cart is provided with a body 4 to which a base wall 40 is secured. A float load holder 28 is rotatably attached to the base wall 40.

Fuller has no teaching of a fabric strip.

Accordingly, a rejection of claims 9 and 23 as being unpatentable over McClellan in view of Fuller is not warranted pursuant to the provisions of 35 U.S.C. 103.

The remaining references of record have been reviewed; however, none is believed to be further pertinent to the claimed structure taken alone or in combination.

Note is made that this is the fourth Office Action and set of references which the Examiner has relied upon in order to reject the claims of this application. Accordingly, should the Examiner wish to make any present ground of rejection a final rejection, it is requested that the undersigned be granted the opportunity of an interview before the final rejection is issued.

FIRST CLASS CERTIFICATE

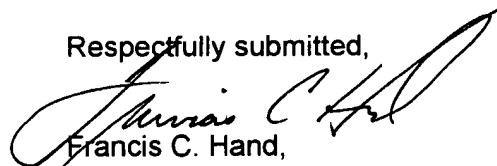
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Respectfully submitted,



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